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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,490	07/25/2002	Hideo Okoshi	MAT-8129US	5701

7590

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EXAMINER

BELLAMY, TAMIKO D

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,490

Applicant(s)

OKOSHI ET AL.

Examiner

Tamiko D. Bellamy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/25/02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - A) Page 2, line 21, insert a space after the words " supporting base".
 - B) Page 8, line 23, insert a space after the words "first base".

Appropriate correction is required.

Drawings

2. Figures 9 and 10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose (6,220,093).

With respect to claims 1-3, Hirosawa discloses a first rubber member (31) which is a combination of a first base and a first rubber body. The device of Hirosawa discloses a first cover (e.g., holding cover 42), a second rubber body (e.g., second rubber member 32), and a tuning fork (e.g., vibrator 1). Finally Hirosawa discloses a supporting plate (e.g., holding case 41), a second base (e.g., housing 2), and a second cover (e.g., shield cover 8). As depicted in Fig. 5, the top surface of supporting plate (e.g., holding case 41) is in contact with the bottom surface of the first rubber member (31). The supporting plate (e.g., holding case 41) has a plurality of supports (e.g., fixing tab sections 41c, 41e). Hirosawa lacks the detail of the second rubber body in contact with the top face of the first cover. However, as depicted in Fig. 5, the device of Hirosawa shows the second rubber body (e.g., second rubber member 32) in contact with the bottom surface of the first cover (e.g., holding cover 42). The placement of a element is a design consideration clearly within the preview of one having ordinary skill in the art. Therefore, to employ Hirosawa with a second rubber body in contact with the top face of the first cover would have been obvious to one of ordinary skill in the at the time of the invention since this reference explicitly teaches its use of vibratory gyroscope used in angular velocity sensors including a second rubber body (e.g., second rubber member 32) in contact with the first cover (e.g., holding cover 42). With respect to the further limitations of claims 2 and 3, as depicted in Fig. 5, Hirosawa discloses a circuit board (e.g., circuit substrate 6) between a cover (7) and the first cover (e.g., holding cover 42). With respect to the further limitations of claim 3, the tuning fork (e.g., vibrator 1) includes a first oscillator (e.g., vibrating arm 12a) and a second oscillator (e.g., vibrating arm 12c) (col. 4, lines 65-

67). Hirosawa does not specifically disclose through holes in the second base for the passage and securing power-supply terminal. However, as depicted in Fig. 5, the device of Hirosawa discloses a second base (e.g., housing 2) having discloses notches (26) to allow the terminals (9) of the circuit board (6) to pass out of the second base (e.g., housing 2) (col. 8, lines 40-43). Furthermore, Hirosawa specifically states in col. 6, lines 20-23, that a power source (15) is connected to a circuit board (6). Therefore, the terminals (9) of the circuit board (6) inherently include the terminals from the power source (15). Hirosawa does not disclose the circuit board between the supporting plate and the second base. However, the placement of a element is a design consideration clearly within the preview of one having ordinary skill in the art. Therefore, to employ Hirosawa with a circuit board between the supporting plate and the second base would have been obvious to one of ordinary skill in the at the time of the invention since this reference explicitly teaches its use of vibratory gyroscope used in angular velocity sensors including a circuit board (6), a second base (e.g., housing 2), and a supporting plate (e.g., holding case 41).

With respect to claims 4 and 5, the device of Hirosawa discloses a second rubber body (e.g., second rubber member 32) that is inserted so as to sandwiched to the wall section (31c) of the first rubber body (e.g., first rubber member 31) and to notch sections (32a) of the second rubber body (e.g., second rubber member 32) (col. 8, lines 6-11). Hirosawa lacks the detail of the second rubber body having a first recess and a step. However, to use a rubber body including a recess and a step is a design consideration clearly within the preview of one having ordinary skill in the art. Therefore, to employ

Hirosawa a second rubber body including a recess and a step would have been obvious to one of ordinary skill in the art at the time of the invention since this reference explicitly teaches its use of a second rubber body (e.g., second rubber member 32).

With respect to claims 6, 10, and 11, Hirosawa discloses a first rubber member (31) which is a combination of a first base and a first rubber body. While, Hirosawa discloses a vibrating gyroscope used in angular sensors does not specifically state using a first rubber body having escapes for receiving terminals, Hirosawa first rubber body (31) is inherently capable of including escapes. Hirosawa specifically states at col. 7, lines 58-63 that his invention uses a first rubber member (31) that has a notch section 31b to draw out the flexible wire board (5). This teaching clearly infers and/or suggests a first rubber body (e.g., combination of a first base and a first rubber member 31) having escapes. Therefore, to employ Hirosawa a first rubber body including escapes would have been obvious to one of ordinary skill in the art at the time of the invention since this reference explicitly teaches its use of a first rubber body (e.g., first rubber member 31) including a notch section (31b).

With respect to claims 7, 12, and 13, Hirosawa discloses a circuit board (6) having notches (e.g., insertion holes 6b) for receiving the supports (e.g., fixing tab sections 41e).

With respect to claims 8, 14, and 15, Hirosawa discloses a first base (e.g., combination of a first rubber member and a first base 31) and a first cover (e.g., holding cover 42). While Hirosawa lacks the detail of the first base secured to a first cover, creating a vacuum in an interior space, the device is inherently capable of creating a vacuum in the interior space. Therefore, to employ Hirosawa a first rubber body

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including escapes would have been obvious to one of ordinary skill in the art at the time of the invention since this reference explicitly teaches its use of a first base (e.g., combination of a first rubber member and a first base 31) and a first cover (e.g., holding cover 42).

With respect to claims 9, 16 and 17, as depicted in Fig. 5, device of Hirose includes a plurality of supports (e.g., fixing tab sections 41c, 41e) of the support plate (e.g., holding case 41) having a width larger than that of notches (e.g., insertion holes 6b).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (703) 305-4971. The examiner can normally be reached on Monday through Friday 9:00 AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Tamiko Bellamy

T.B.
July 3, 2003

HELEN KWOK
PRIMARY EXAMINER

